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# CRS Report for Congress

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## Campaign Finance Bills in the 106<sup>th</sup> Congress: Senate

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## **ABSTRACT**

This report provides detailed summaries all Senate bills proposed thus far in the 106<sup>th</sup> Congress to change the nation's campaign finance laws. The various provisions of these bills are grouped into 15 categories, based on type of issue addressed. The categories are reflected in the detailed summaries, and in a cross-reference section arranged by category, with indications of which bills embody a particular concept. This report is current as of November 19, 1999, when the Senate adjourned for the First Session. It will be updated periodically to reflect additional bills introduced and any action taken thereon. It is intended for use by Members and staff who are following the campaign finance reform debate.

Other CRS reports may be useful supplements to this report: Issue Brief 87020, *Campaign Financing*; Report RS20073, *Campaign Finance Bills in the 106<sup>th</sup> Congress: Comparison of Shays-Meehan, as passed, with McCain-Feingold, as considered*; and Report RL30162, *Campaign Finance Bills in the 106<sup>th</sup> Congress: House*.

# Campaign Finance Bills in the 106<sup>th</sup> Congress: Senate

## Summary

As of November 19, 1999, when the Senate adjourned for the First Session, 16 bills have been introduced in the Senate to change the nation's campaign finance laws (primarily under Titles 2 and 26 of the U.S. Code). Many of the bills seek to tighten perceived loopholes in the current system, primarily in the areas of soft money and issue advocacy. Other prominent provisions in bills include public subsidies or benefits to candidates who agree to voluntary spending limits; adjustments in contribution limits; and improvements in enforcement and disclosure functions of the Federal Election Commission (FEC).

Senate action in 1999 focused on S. 1593, a revised proposal by Senators McCain and Feingold, aimed at curbing party soft money, seeking to enforce the *Beck* decision with regard to political use of non-member dues, and raising some contribution limits. Debate began on October 13 and ended on October 20, after two unsuccessful cloture votes on amendments to the bill.

This report summarizes each Senate bill offered in the 106<sup>th</sup> Congress, arranged in both numerical order and by major issue addressed, as well as any legislative action.

## Contents

Chapter I. Checklist of Bills and Types of Proposals .....	3
Chapter II. Major Reforms Proposed, by Category .....	7
Individuals (Hard Money) .....	8
Raise Limits on Contributions .....	8
To Candidates—Generally .....	8
To Candidates—For Seed Money .....	8
To PACs .....	8
To Parties .....	8
Annual Aggregate Limit .....	8
Create Tax Incentives to Encourage Contributions .....	8
Index Contribution Limits .....	9
PACs (Hard Money) .....	9
Raise Limits on Contributions .....	9
To Candidates—Generally .....	9
To Candidates—for Seed Money .....	9
To Parties .....	9
To Other PACs .....	9
Lower Limits on Contributions .....	9
Ban Leadership PACs .....	9
Index Contribution Limits .....	9
Political Parties (Hard Money) .....	10
Raise Limits on Contributions .....	10
To Candidates—Generally .....	10
To Candidates—for Seed Money .....	10
To PACs and Other Committees .....	10
Aggregate State Party Contributions Under Single Limit .....	10
Make Congressional Campaign Committees 441a(d) Agents .....	10
Limit Aggregate Party Spending for Candidate .....	10
Exempt Legal and Accounting Costs from Limits .....	10
Index Contribution Limits .....	10
Candidates (Hard Money) .....	11
Ban Post-Election Contributions for Repaying Candidate Loans .....	11
Prohibit Personal Use of Campaign Funds .....	11
Ban Party Coordinated Spending on Candidate Exceeding Personal Fund Level .....	11
Remove Party Limits if Opponent Exceeds Personal Fund Level .....	11
Raise Contribution Limits If Opponent Exceeds Personal Fund Level .....	11
In-state or In-district (Hard Money) .....	11
In-state/In-district .....	11

Independent Expenditures (Hard Money) . . . . .	11
Define as Containing Express Advocacy and Avoiding Coordination . . . .	12
Define Activities That Constitute Coordination . . . . .	12
Add Coordinated Activities to Contribution/Expenditure Definition . . . .	12
Limit Independent Expenditures . . . . .	12
Limit/Prohibit Party Independent Expenditures . . . . .	12
Increase Disclosure Requirements . . . . .	12
Require Advance Notice of Late Independent Expenditures . . . . .	12
Require Immediate Broadcast Response Time to Targets . . . . .	12
Allow Nonprofit Corporations to Make Independent Expenditures . . . . .	13
Soft Money: Party . . . . .	13
Allow Exemptions Only for Volunteer Activities . . . . .	13
Limit Donations to National Parties . . . . .	13
Prohibit National Parties from Raising or Soliciting Soft Money . . . . .	13
Ban State Party Soft Money Spending on Specified Activities . . . . .	13
Allow Hard Money Grassroots Funds to Finance Such Activities . . .	14
Prohibit Use of Soft Money to Raise Funds . . . . .	14
Prohibit Federal Candidates/Officials Raising Soft Money . . . . .	14
Increase Disclosure Requirements . . . . .	14
End Building Fund Exemption . . . . .	14
Require Disclosure of Exempt Building Funds . . . . .	14
Ban Laundered Soft Money Donations . . . . .	14
Soft Money: Non-Party . . . . .	15
Nonparty Soft Money (Corporate and Labor) . . . . .	15
Require Prior Authorization for Political Use of Dues Money . . . . .	15
Added FEC Disclosure . . . . .	15
Require Worker Notice of Rights on Political Use of Dues Money . .	15
Require Greater Disclosure to Workers/Stockholders . . . . .	15
Tax-Exempt Groups . . . . .	16
Prohibit Party Money to Tax-Exempt Groups . . . . .	16
Ban Candidates/Officials' Fundraising for Tax-Exempt Groups . . . .	16
Issue Advocacy . . . . .	16
Broader Standard for Determining Express Advocacy . . . . .	16
Multiple Options . . . . .	16
Fallback Definition if Broader Standard is Held Invalid . . . . .	17
Define and Require Disclosure of Issue Advertisements . . . . .	17
Define and Regulate as <i>Electioneering Communications</i> . . . . .	17
Require Disclosure . . . . .	17
Ban Funding by Unions or For-Profit Corporations . . . . .	17
Restrict Coordination with Candidates/Parties . . . . .	17
Spending Limits and Public Benefits . . . . .	18
Voluntary Limits in Conjunction with Public Benefits . . . . .	18
With Subsidies and Broadcast Discounts . . . . .	18
With Broadcast or Postal Discounts . . . . .	18
Mandatory Limits Through Statute . . . . .	18
Mandatory Limits through Constitutional Amendment . . . . .	18
FEC (Enforcement & Disclosure) . . . . .	18

Enforcement	18
FEC Appropriation Requirements	18
Allow FEC to Impose Filing Fees	19
Change Number or Term of FEC Commissioners	19
Add Prerequisite Experience for Commissioners	19
Change Appointment Process for Commissioners	19
Require Senate Confirmation of Staff Director/General Counsel	19
Increase Penalties for Violations	19
Increase Statute of Limitations	19
Allow Random Audits	19
Expedite Enforcement Proceedings	19
Allow Oral Arguments Before FEC	20
Give FEC Authority to Initiate Summons or Subpoena	20
Allow Referrals to Attorney General at Any Time	20
Allow FEC to Seek Injunctions	20
Give FEC Authority for Independent Litigation	20
Give FEC Authority to Petition Supreme Court	20
Allow Subpoena Without Chair's Signature	20
Treat Those Who Aid and Abet Violations as Principals	20
Add Procedures and Penalties for Minor Violations	20
Provide for Equitable Remedies in Conciliation Agreements	21
Change Standard to Begin Enforcement	21
Allow Seeking of Civil Action if FEC Doesn't Act Expeditiously	21
Require Indexes of Actions, Regulations, and Opinions	21
Create Escrow Account for Returned Contributions	21
Direct U.S. Sentencing Commission to Promulgate Guidelines	21
Disclosure	21
Electronic Filing of Reports	21
Requires Internet Posting by FEC	21
Require Reporting of Secondary Payees	22
Remove "Best Efforts" Exemption	22
Lower/Remove Reporting Threshold for Itemization	22
Change to Election Cycle Basis	22
Increased Disclosure Requirements	22
Require FEC Receipt of Reports by Due Date	22
Advertising Issues	23
Require Broadcaster Disclosure Regarding Candidate/Issue Ads	23
Require Reference to Opponent to be Made by Candidate in Person	23
Change Applicability Period of Lowest Unit Rate	23
Change Definition of Lowest Unit Rate	23
Prohibit Preemption of Candidate Ads at Lowest Unit Rate	23
Require Filing of Mailings That Refer to Candidates	23
Augment Disclaimer Requirements	23
Foreign Nationals	23
Prohibit Foreign National Contributions or Their Solicitation	24
Prohibit Soft Money from Foreign Nationals	24
Prohibit Contributions and Solicitation from Non-Eligible Voters	24
Require Certification of Compliance with Ban	24
Prohibit Foreign National Independent Expenditures	24
Prohibit Foreign National Influence in Decision-Making	24

Prohibit Donations From Foreign National Subsidiaries . . . . .	24
Study Commission . . . . .	24
Permanent Commission to Recommend Reforms . . . . .	25
Miscellaneous . . . . .	25
Lobbyists . . . . .	25
Restrict Lobbyist Contributions and Contributors Who Lobby . . . . .	25
Require Lobby Disclosure Forms to Show Contributions . . . . .	25
Presidential Elections . . . . .	25
Increase base spending limit . . . . .	25
Restrictions/Prohibitions on Fundraising on Government Property . . . . .	25
Presidential and Vice Presidential Property . . . . .	25
Air Force One . . . . .	25
Full-Cost Reimbursement for Political Travel of Non-Officeholders . . . . .	25
Clarify “controlling legal authority” prohibition . . . . .	25
Include Soft Money in Fundraising Ban . . . . .	25
Exempt Internet Communications from FECA . . . . .	26
Ban Post-Election Fundraising to Pay Debts . . . . .	26
Restrict/Prohibit Minors’ Contributions . . . . .	26
Prohibit Intimidation or Threats in Fundraising . . . . .	26
Ban False Representation in Fundraising . . . . .	26
Limit Vendors Extensions of Credit . . . . .	26
Ban Acceptance of Cash Donations . . . . .	26
Franked Mass Mailings . . . . .	26
Feasibility Study of Telephone Voting by Disabled . . . . .	26
Restrict or Require Use of Candidates’ Names . . . . .	26
Require Certification of No Laundered Contributions . . . . .	27
Treat Coordinated Payments as Contributions . . . . .	27
Combat Voter Fraud . . . . .	27
Chapter III. Summaries of Senate Bills in Numerical Order . . . . .	29
S. 16 (Daschle) . . . . .	29
S. 26 (McCain) . . . . .	31
S. 79 (Snowe) . . . . .	33
S. 298 (Shelby) . . . . .	33
S. 504 (Cleland) . . . . .	33
S. 982 (Wellstone) . . . . .	34
S. 1107 (Warner) . . . . .	37
S. 1135 (Wyden) . . . . .	38
S. 1502 (Reed) . . . . .	38
S. 1593 (McCain) . . . . .	40
S. 1671 (Allard) . . . . .	41
S. 1747 (Bennett) . . . . .	42
S. 1751 (Hatch) . . . . .	42
S. 1816 (Hagel) . . . . .	43
S. 1991 (Thompson) . . . . .	43
S.J.Res. 6 (Hollings) . . . . .	44
Index by Lead Sponsor . . . . .	45

## List of Tables

Table 1. Checklist of Major Provisions of 106 <sup>th</sup> Congress Bills: Senate . . . . .	4
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# Campaign Finance Bills in the 106<sup>th</sup> Congress: Senate

This report lists Senate bills introduced in the 106<sup>th</sup> Congress to amend the nation's campaign finance laws (primarily under Titles 2 and 26 of the U.S. Code, the Federal Election Campaign Act or FECA). The list is current through November 19, 1999, when the Senate adjourned for the First Session.

The report comprises three chapters:

- Chapter I is a checklist of all bills (in numerical order), noting major types of reforms proposed in each, according to 15 categories (including “miscellaneous.”);
- Chapter II arranges all provisions of every bill under the 15 categories noted in the checklist, with a basic description of the issue area, where needed, and further division of proposals into subcategories. Bills whose provisions fall under a specific category or subcategory are noted accordingly (with further detail provided in Chapter III);
- Chapter III is a chronological listing and summary of each Senate bill. For each, it provides the bill number, sponsor, title, a detailed summary of provisions arranged by the 15 categories used in Chapters I and II, date introduced, committee referral, and any legislative action; and
- an index of bills, listed alphabetically by lead sponsor.

This report serves as a companion to two CRS products: Issue Brief 87020, *Campaign Financing* (constantly updated), which discusses the issues before Congress and refers to selected 106<sup>th</sup> Congress bills, and Report RL30162, *Campaign Finance Bills in the 106<sup>th</sup> Congress: House*.



## **Chapter I. Checklist of Bills and Types of Proposals**

Table 1 on the following pages provides easy reference to types of provisions in each of the bills listed in this report. An (X) denotes features in a bill that are broadly applicable and apply without conditions (except in the “spending limits/public benefits” category, which contains many inherently conditional features). An asterisk (\*) denotes contingency provisions that are only triggered or conditioned by specified actions, such as one candidate’s expenditure of “excessive” personal funds triggering a higher limit on contributions to his or her opponent. For each category, reference is made to the page in this report where a discussion of it and the applicable legislation is found.

**Table 1. Checklist of Major Provisions of 106<sup>th</sup> Congress Bills: Senate**

Bill/ Sponsor	Hard Money						Soft Money		Issue Advoc.	Spending limits & public benefits	FEC	Adver.	Foreign	Study comm.	Misc.
	Major contribution sources				In- state/ -district	Indep. Expen.	Party (and gen.)	Non-party (labor/corp./ tax-exempt)							
	Indiv.	PACs	Party	Cand.											
<i>See</i>	<i>p. 8</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 13</i>	<i>p. 15</i>	<i>p. 16</i>	<i>p. 18</i>	<i>p. 18</i>	<i>p. 23</i>	<i>p. 23</i>	<i>p. 24</i>	<i>p. 25</i>
S 16 Daschle	X	X	X	X		X	X	X	X	X	X	X	X		X
S 26 McCain	X			X		X	X	X	X		X	X	X		X
S 79 Snowe									X						
S 298 Shelby													X		
S 504 Cleland											X		X	X	X
S 982 Wellstone	X		*			X	X	X	X	X	X	X	X		X
S 1107 Warner	X	X	X	X		X	X	X			X		X		X
S 1135 Wyden												X			
S 1502 Reed		X	X			X	X	X	X	X	X		X		X
S 1593 McCain	X						X	X							

## CRS-5

Bill/ Sponsor	Hard Money						Soft Money		Issue Advoc.	Spending limits & public benefits	FEC	Adver.	Foreign	Study comm.	Misc.
	Major contribution sources				In- state/ -district	Indep. Expen.	Party (and gen.)	Non-party (labor/corp./ tax-exempt)							
	Indiv.	PACs	Party	Cand.											
<i>See</i>	<i>p. 8</i>	<i>p. 9</i>	<i>p. 10</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 11</i>	<i>p. 13</i>	<i>p. 15</i>	<i>p. 16</i>	<i>p. 18</i>	<i>p. 18</i>	<i>p. 23</i>	<i>p. 23</i>	<i>p. 24</i>	<i>p. 25</i>
S 1671 Allard	X	X		X	X		X	X			X				X
S 1747 Bennett															X
S 1751 Hatch	X	X	X					X			X	X			X
S 1816 Hagel	X	X	X				X				X	X			X
S 1991 Thompson							X				X		X		
SJRes 6 Hollings										X					



## Chapter II. Major Reforms Proposed, by Category

This section of the report is organized into 15 subsections, encompassing 14 major areas of reform that are addressed in proposed 106<sup>th</sup> Congress Senate bills, and a “miscellaneous” category for provisions outside that framework. In each subsection, bills containing provisions that address that particular area are noted. Greater detail for each provision and a sense of how a bill’s various provisions might affect each other can be found in the numerically-ordered summaries in Chapter III. (In some cases, reference is made in this chapter to other provisions of the same bill.)

Two caveats should be noted regarding the classification system used in this report. First, for easy reference, arbitrary decisions were made as to the primary nature and goal of a particular provision. Many provisions, however, have multiple purposes. For example, a bill that would raise the limit on an individual’s contributions to political parties would empower both the individual and the political party. Such a provision would be listed here under “individual,” as it most directly affects what an individual may do, even though the parties would benefit as well. Second, some bills may contain provisions that would be triggered by, or conditioned on, some other type of activity; but these provisions would not be available across the board. Hence, conditional or contingency provisions are generally described under the “base” activity. For example, for a spending limit bill that would double the contribution limit for participating candidates whose opponents exceed limits, such a provision would be listed primarily under “spending limits,” but referenced with an asterisk (\*) under “individuals.” (In contrast, a provision that doubles contribution limits across the board would be categorized only under “individuals.”) Alternatively, a spending limit may require adherence to an in-state requirement as part of an overall system. Again, such a provision would be listed under “spending limits,” with an asterisk reference under “in-state/-district.”

The first six categories can be examined in the context of *hard money*, as they pertain to types of activity that are regulated under federal election law, which specifies prohibited sources, limits on permitted contributions, and disclosure requirements. The six hard money categories are shown on the checklist in Section I under a larger heading of “hard money,” with the first four—individuals, PACs, parties, and candidates—further grouped to reflect the four principal sources of campaign receipts. The seventh and eighth categories comprise provisions dealing with *soft money*, with the former containing provisions relating to party soft money (and some general provisions) and the latter focusing on non-party soft money—direct activities of unions, corporations, and tax-exempt organizations.<sup>1</sup>

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<sup>1</sup>For an explanation of hard and soft money, see: CRS Report 97-91, *Soft and Hard Money in Contemporary Elections: What Federal Law Does and Does Not Regulate*.

## **Individuals (Hard Money)**

These bills would change limits and offer incentives to encourage a greater role for individual citizens in federal campaign financing.

### **Raise Limits on Contributions**

#### **To Candidates—Generally.**

S. 1107 (Warner)  
S. 1671 (Allard)  
S. 1751 (Hatch)  
S. 1816 (Hagel)

#### **To Candidates—For Seed Money.**

S. 1107 (Warner)

#### **To PACs.**

S. 1816 (Hagel)

#### **To Parties.**

S. 16 (Daschle)—state parties  
S. 26 (McCain)—state parties  
S. 1593 (McCain)—state parties  
S. 1751 (Hatch)—national and state parties  
S. 1816 (Hagel)—national and state parties

#### **Annual Aggregate Limit.**

S. 16 (Daschle)  
S. 26 (McCain)  
S. 1593 (McCain)  
S. 1751 (Hatch)  
S. 1816 (Hagel)

#### ***Create Sub-limits.***

S. 982 (Wellstone)  
S. 1751 (Hatch)

### **Create Tax Incentives to Encourage Contributions**

S. 1107 (Warner)  
*S. 1671 (Allard)—through amendment 1887, offered with bill*  
S. 1751 (Hatch)—includes contributions to federal candidates, national parties,  
and PACs whose sponsors voluntarily disclose non-FECA activity



## **Index Contribution Limits**

S. 1107 (Warner)  
 S. 1671 (Allard)  
 S. 1816 (Hagel)

## **PACs (Hard Money)**

These bills contain provisions to restrict or, in some cases, empower PACs in their funding role. The term PAC, as used here, generally refers to “nonparty multicandidate committees,” an FECA-status that most PACs have. The term “leadership PAC” refers to PACs established by candidates or officials apart from their campaign committees. PACs sponsored by organizations are known as “separate segregated funds;” PACs that are independent of other entities are “nonconnected.”

## **Raise Limits on Contributions**

### **To Candidates—Generally.**

S. 1816 (Hagel)

### **To Candidates—for Seed Money.**

S. 1107 (Warner)

### **To Parties.**

S. 16 (Daschle)—state parties  
 S. 1751 (Hatch)—national and state parties  
 S. 1816 (Hagel)—national and state parties

### **To Other PACs.**

S. 1816 (Hagel)

## **Lower Limits on Contributions**

S. 1671 (Allard)

## **Ban Leadership PACs**

S. 16 (Daschle)  
 S. 1502 (Reed)

## **Index Contribution Limits**

S. 1107 (Warner)

S. 1671 (Allard)  
S. 1816 (Hagel)

## **Political Parties (Hard Money)**

This category should be examined in conjunction with the “party soft money” category, below. “Coordinated expenditures” are a special category of party spending on behalf of, and in coordination with, candidates, subject to federal limits.

### **Raise Limits on Contributions**

#### **To Candidates—Generally.**

S. 1816 (Hagel)

#### **To Candidates—for Seed Money.**

S. 1107 (Warner)

#### **To PACs and Other Committees.**

S. 1816 (Hagel)

### **Aggregate State Party Contributions Under Single Limit**

S. 16 (Daschle)

### **Make Congressional Campaign Committees 441a(d) Agents**

S. 16 (Daschle)

### **Limit Aggregate Party Spending for Candidate**

S. 982 (Wellstone)\*—for “clean money” candidates  
S. 1502 (Reed)—whether independent or coordinated (with fallback provision,  
if held unconstitutional)

### **Exempt Legal and Accounting Costs from Limits**

S. 1751 (Hatch)

### **Index Contribution Limits**

S. 1107 (Warner)  
S. 1816 (Hagel)

## **Candidates (Hard Money)**

These bills contain provisions that focus on spending and loans by candidates from personal or family wealth, including the issue of repayment of candidate loans from campaign funds after an election.

### **Ban Post-Election Contributions for Repaying Candidate Loans**

S. 16 (Daschle)

### **Prohibit Personal Use of Campaign Funds**

S. 26 (McCain)

S. 1107 (Warner)

### **Ban Party Coordinated Spending on Candidate Exceeding Personal Fund Level**

S. 26 (McCain)

### **Remove Party Limits if Opponent Exceeds Personal Fund Level**

S. 1671 (Allard)

### **Raise Contribution Limits If Opponent Exceeds Personal Fund Level**

S. 1107 (Warner)

## **In-state or In-district (Hard Money)**

This category includes bills that would require a certain percentage (or all) of candidates' funds to come from residents of that state or district, or in some way seek to encourage a greater role for local residents.

### **In-state/In-district**

S. 1671 (Allard)—Senate/House

## **Independent Expenditures (Hard Money)**

Independent expenditures are for communications with the public, advocating the election or defeat of clearly identified candidates, made without any coordination, cooperation, or consultation with affected candidates. They are not subject to limits on amounts spent, although the source restrictions and disclosure requirements of

federal law do apply. This hard money activity should not be confused with issue advocacy, which falls completely outside federal election regulation. Issue and express advocacy are described in a later category, below.

### **Define as Containing Express Advocacy and Avoiding Coordination**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 982 (Wellstone)
- S. 1502 (Reed)

### **Define Activities That Constitute Coordination**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 982 (Wellstone)

### **Add Coordinated Activities to Contribution/Expenditure Definition**

- S. 26 (McCain)
- S. 982 (Wellstone)

### **Limit Independent Expenditures**

- S. 1502 (Reed)—with fall provision, if held unconstitutional

### **Limit/Prohibit Party Independent Expenditures**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 982 (Wellstone)
- S. 1502 (Reed)—with fall provision, if held unconstitutional

### **Increase Disclosure Requirements**

- S. 16 (Daschle)—for large amounts
- S. 26 (McCain)—for large amounts
- S. 982 (Wellstone)\*—regarding “clean money” candidates
- S. 1107 (Warner)—for large amounts

### **Require Advance Notice of Late Independent Expenditures**

- S. 16 (Daschle)

### **Require Immediate Broadcast Response Time to Targets**

- S. 16 (Daschle)

## **Allow Nonprofit Corporations to Make Independent Expenditures**

S. 16 (Daschle)

### **Soft Money: Party**

This term refers to money that may indirectly influence the outcome of federal elections, but that is raised and spent outside the purview of federal election laws and that would be illegal if spent directly in connection with a federal election. Activities that are exempted from the FECA's "contribution" and "expenditure" definitions may be paid for with soft money. Three common forms of soft money are: party soft money; non-party soft money; and tax-exempt activity. This section deals with party soft money, and also includes some bills that focus on soft money in general, without any further delineation.

Party soft money is raised by national parties from sources and in amounts that are federally impermissible. Most commonly, these funds are transferred to state parties in those states where it is permitted under state election law; the money is used for grassroots and generic party activity, which may benefit the entire party slate. Due to different rules for federal and state elections, parties must use an allocation system for spending money on activities that affect both federal and state elections (*i.e.*, "mixed activities"). Party soft money is also used for a portion of administrative and overhead expenses and, more recently, for issue advocacy.

## **Allow Exemptions Only for Volunteer Activities**

S. 16 (Daschle)

## **Limit Donations to National Parties**

S. 1107 (Warner)

S. 1816 (Hagel)—subject to Supreme Court review; indexed for inflation

## **Prohibit National Parties from Raising or Soliciting Soft Money**

S. 16 (Daschle)—except for transfers to state parties

S. 26 (McCain)

S. 982 (Wellstone)

S. 1502 (Reed)

S. 1593 (McCain)

## **Ban State Party Soft Money Spending on Specified Activities**

S. 16 (Daschle)—applies to national parties as well

S. 26 (McCain)

S. 982 (Wellstone)

S. 1502 (Reed)

S. 1593 (McCain)

**Allow Hard Money Grassroots Funds to Finance Such Activities.**

- S. 16 (Daschle)—and limit presidential transfers to Funds
- S. 982 (Wellstone)
- S. 1502 (Reed)

**Prohibit Use of Soft Money to Raise Funds**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 982 (Wellstone)
- S. 1502 (Reed)
- S. 1593 (McCain)

**Prohibit Federal Candidates/Officials Raising Soft Money**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 982 (Wellstone)—including for their PACs
- S. 1502 (Reed)
- S. 1593 (McCain)—including their PACs

**Increase Disclosure Requirements**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 982 (Wellstone)
- S. 1502 (Reed)
- S. 1593 (McCain)
- S. 1671 (Allard)—including propaganda and issue ads
- S. 1816 (Hagel)—codifies FEC regulations

**End Building Fund Exemption**

- S. 26 (McCain)
- S. 982 (Wellstone)
- S. 1502 (Reed)
- S. 1593 (McCain)

**Require Disclosure of Exempt Building Funds**

- S. 16 (Daschle)

**Ban Laundered Soft Money Donations**

- S. 1991 (Thompson)

## Soft Money: Non-Party

*Non-party soft money* pertains to direct spending by, and activity of, groups, rather than to donations by those groups to other entities (such as the parties). The term is most commonly used to refer to union and corporate treasury money that federal election law allows for three exempt activities aimed only at specified restricted classes (executives, stockholders, and families for corporations, and members and families for unions). The three exempt activities are: setting up and raising money for a PAC; internal communications (including express advocacy); and non-partisan registration and get-out-the-vote drives.

This section also includes provisions dealing with *tax-exempt* organizations. The involvement of such groups in political issues and voter outreach and participation efforts is seen by many as a form of soft money activity, which may influence elections, but is not regulated by federal election law. Furthermore, issues are raised because of Internal Revenue Code prohibitions on their direct participation in electoral advocacy.

### Nonparty Soft Money (Corporate and Labor)

#### **Require Prior Authorization for Political Use of Dues Money.**

- S. 1107 (Warner)—all workers in agency shops
- S. 1671 (Allard)—all union dues-payers and corporate employees making payments as condition of employment

#### **Added FEC Disclosure.**

- S. 16 (Daschle)—including advance notice of late activity
- S. 26 (McCain)
- S. 982 (Wellstone)
- S. 1502 (Reed)
- S. 1671 (Allard)
- S. 1751 (Hatch)—voluntary disclosure for specified activities, with tax incentives for contributors to sponsored PACs

#### **Require Worker Notice of Rights on Political Use of Dues Money.**

- S. 26 (McCain)—non-union members
- S. 1107 (Warner)—all workers in agency shops
- S. 1593 (McCain)—non-union members

#### **Require Greater Disclosure to Workers/Stockholders.**

- S. 1107 (Warner)
- S. 1671 (Allard)

## Tax-Exempt Groups

### Prohibit Party Money to Tax-Exempt Groups.

- S. 16 (Daschle)—transfers of money
- S. 26 (McCain)—fundraising for or giving to groups
- S. 982 (Wellstone)—fundraising for or giving to groups
- S. 1502 (Reed)—fundraising for or giving to groups
- S. 1593 (McCain)—fundraising for or giving to groups

### Ban Candidates/Officials' Fundraising for Tax-Exempt Groups.

- S. 16 (Daschle)—if substantially involved in voter and registration drives

## Issue Advocacy

Communications that promote political issues, even if the messages make reference to candidates, or are made during an election period, are labeled “issue advocacy” if they avoid using specific, election advocacy language (*e.g.*, “elect Jones” or “defeat Smith”). Communications that explicitly promote the election or defeat of clearly identified candidates, by contrast, are called “express advocacy” and are regulated by federal election law. Since the courts have generally construed “express advocacy” communications in a narrow sense (*i.e.*, using explicit phrases), communications that may be widely perceived as constituting thinly-veiled election activity may thus avoid federal disclosure and source regulations. Bills in this category offer standards for broadening the “express advocacy” definition, so certain activities would be disclosed, and their sources limited, under federal law, *i.e.*, they would be fully regulated as hard money, FECA activities. Some bills, as noted, require disclosure, but without triggering the source limitations and prohibitions of federal election law. The so-called McCain-Feingold bill (S. 26) offers an alternative, by narrowly defining some issue advocacy as *electioneering communications*, requiring that such communications be disclosed, and prohibiting union and for-profit corporate treasuries from financing them.

## Broader Standard for Determining Express Advocacy

### Multiple Options.

- S. 16 (Daschle)—communications urging election or defeat of clearly identified federal candidate by: (1) using advocacy words, linking a candidate to a favored issue position, or using words or slogans that in context can have no other reasonable meaning than election advocacy; (2) identifying a candidate in broadcast media within 60 days of general election (90 days for presidential races); or (3) when taken as a whole and with limited reference to external events expresses unmistakable support of or opposition to a candidate.



S. 982 (Wellstone)—communication presented through a public communication media and that advocates election or defeat of clearly identified candidate by: (1) using explicit advocacy language (“magic words”); (2) using slogans or words that in context can have no reasonable meaning other than election advocacy; or (3) referring to a clearly identified candidate in a broadcast ad within 60 days of a general election, costing at least \$5,000.

S. 1502 (Reed) — (1) any communication that advocates the election or defeat of a clearly identified candidate by using explicit advocacy language or by advocating an issue position along with a reference to a candidate or an expression susceptible to no other reasonable interpretation but election advocacy; or (2) any public media communication within 90 days of a general election that refers to a federal candidate or candidates of a specific political party, not made solely to influence pending legislation.

#### **Fallback Definition if Broader Standard is Held Invalid.**

S. 982 (Wellstone)—portion of definition not invalid, plus—a communication that refers to a clearly identified candidate and: (1) when taken as a whole, with limited reference to external events, expresses unmistakable election advocacy; or (2) is made for clear purpose of election advocacy, as shown by statement or action by spender, targeting or placement of communication, and use of data about candidate’s campaign or election.

### **Define and Require Disclosure of Issue Advertisements**

S. 982 (Wellstone)\*—affecting “clean money” candidates

### **Define and Regulate as *Electioneering Communications***

S. 26 (McCain); S. 79 (Snowe)—broadcast advertisement referring to a clearly identified federal candidate within 60 days of a general election or 30 days of a primary, to an audience that includes voters in that election (not including news events or “expenditures”)

#### **Require Disclosure.**

S. 26 (McCain)—above dollar thresholds

S. 79 (Snowe)—above dollar thresholds

#### **Ban Funding by Unions or For-Profit Corporations.**

S. 26 (McCain)

S. 79 (Snowe)

### **Restrict Coordination with Candidates/Parties**

S. 26 (McCain); S. 79 (Snowe)—coordinated *electioneering communications* treated as contribution to and expenditure by candidate

## **Spending Limits and Public Benefits**

These bills would offer: (1) campaign spending limits for House or Senate candidates on overall campaign or candidate personal spending (or advertising time restrictions); (2) public, cost-saving benefits to candidates; or (3) both. They are grouped together because many bills embody both concepts, largely because a voluntary system of limits with conditional benefits has been a major response to the *Buckley v. Valeo* ruling [424 U.S. 1 (1976)] which overturned mandatory limits. This grouping should not be construed as an inherent linkage between the two ideas; there are very distinct principles behind spending limits and public benefits (or financing).

Options among spending limit bills include voluntary limits, in response to *Buckley*, with or without inducements to participation through some form of public benefits; mandatory limits, either through a statute designed to overturn *Buckley* or through a constitutional amendment; or “benefits only” provisions without requiring adherence to limits.

### **Voluntary Limits in Conjunction with Public Benefits**

#### **With Subsidies and Broadcast Discounts.**

S. 982 (Wellstone)

#### **With Broadcast or Postal Discounts.**

S. 16 (Daschle)—plus public subsidies to compensate for opponent’s “excessive” spending and for independent expenditures

### **Mandatory Limits Through Statute**

S. 1502 (Reed)

### **Mandatory Limits through Constitutional Amendment**

S.J.Res. 6 (Hollings)

## **FEC (Enforcement & Disclosure)**

These bills contain provisions aimed at improving FEC enforcement of election law and requirements for disclosure (supervised by the FEC).

### **Enforcement**

#### **FEC Appropriation Requirements.**

S. 504 (Cleland)

**Allow FEC to Impose Filing Fees.**

S. 504 (Cleland)

**Change Number or Term of FEC Commissioners.**

S. 504 (Cleland)

S. 982 (Wellstone)

S. 1107 (Warner)

**Add Prerequisite Experience for Commissioners.**

S. 504 (Cleland)

**Change Appointment Process for Commissioners.**

S. 504 (Cleland)

**Require Senate Confirmation of Staff Director/General Counsel.**

S. 1107 (Warner)

**Increase Penalties for Violations.**

S. 16 (Daschle)

S. 26 (McCain)

S. 504 (Cleland)

S. 982 (Wellstone)

S. 1107 (Warner)

S. 1502 (Reed)

S. 1816 (Hagel)—index fines retroactively

S. 1991 (Thompson)

**Increase Statute of Limitations.**

S. 1991 (Thompson)

**Allow Random Audits.**

S. 16 (Daschle)

S. 26 (McCain)

S. 504 (Cleland)

S. 982 (Wellstone)

S. 1502 (Reed)

**Expedite Enforcement Proceedings.**

S. 26 (McCain)—last 60 days

S. 504 (Cleland)—last 60 days

S. 982 (Wellstone)—last 60 days

S. 1502 (Reed)—last 60 days

**Allow Oral Arguments Before FEC.**

S. 1107 (Warner)

**Give FEC Authority to Initiate Summons or Subpoena.**

S. 16 (Daschle)

**Allow Referrals to Attorney General at Any Time.**

S. 16 (Daschle)

S. 26 (McCain)

**Allow FEC to Seek Injunctions.**

S. 16 (Daschle)

S. 504 (Cleland)

S. 982 (Wellstone)

S. 1502 (Reed)

**Give FEC Authority for Independent Litigation.**

S. 16 (Daschle)

S. 504 (Cleland)

**Give FEC Authority to Petition Supreme Court.**

S. 16 (Daschle)

S. 504 (Cleland)

S. 982 (Wellstone)

**Allow Subpoena Without Chair's Signature.**

S. 982 (Wellstone)

**Treat Those Who Aid and Abet Violations as Principals.**

S. 16 (Daschle)

**Add Procedures and Penalties for Minor Violations.**

S. 16 (Daschle)

S. 26 (McCain)

S. 504 (Cleland)

S. 982 (Wellstone)

S. 1107 (Warner)

**Provide for Equitable Remedies in Conciliation Agreements.**

S. 16 (Daschle)  
S. 26 (McCain)  
S. 982 (Wellstone)

**Change Standard to Begin Enforcement.**

S. 16 (Daschle)  
S. 26 (McCain)  
S. 982 (Wellstone)

**Allow Seeking of Civil Action if FEC Doesn't Act Expeditiously.**

S. 504 (Cleland)

**Require Indexes of Actions, Regulations, and Opinions.**

S. 1107 (Warner)

**Create Escrow Account for Returned Contributions.**

S. 1107 (Warner)

**Direct U.S. Sentencing Commission to Promulgate Guidelines.**

S. 1991 (Thompson)

**Disclosure**

**Electronic Filing of Reports.**

S. 16 (Daschle)—over threshold level  
S. 26 (McCain)—over threshold level  
S. 504 (Cleland)—over threshold level  
S. 982 (Wellstone)—over threshold level  
S. 1107 (Warner)—over threshold level, with FEC software  
S. 1502 (Reed)—over threshold level  
S. 1671 (Allard)—permits

**Requires Internet Posting by FEC.**

S. 26 (McCain)  
S. 982 (Wellstone)  
S. 1107 (Warner)  
S. 1671 (Allard)  
S. 1816 (Hagel)

**Require Reporting of Secondary Payees.**

S. 504 (Cleland)

**Remove “Best Efforts” Exemption.**

S. 26 (McCain)—for candidates; allows escrow deposit  
S. 504 (Cleland)—for candidates; allows escrow deposit  
S. 1107 (Warner)  
S. 1671 (Allard)—prohibits deposit

**Lower/Remove Reporting Threshold for Itemization.**

S. 16 (Daschle)  
S. 26 (McCain)—contributions (name and address)  
S. 1671 (Allard)—contributions

**Change to Election Cycle Basis.**

S. 504 (Cleland)—candidates  
S. 1107 (Warner)—candidates

**Increased Disclosure Requirements.**

S. 504 (Cleland)—for large donors to large PACs in last 20 days; monthly disclosure for large PACs  
S. 1107 (Warner)—for large candidate contributions in last 90 days; weekly candidate reporting in last 30 days of general election  
S. 1671 (Allard) — monthly reporting by candidates in final months and 24-hour reports in last 15 days of election  
S. 1751 (Hatch)—Internet posting by political committees of \$200+ contributions and expenditures, within 14 days  
S. 1816 (Hagel)—monthly reports by candidates in election years and national parties in all years; quarterly reports by candidates in non-election-years

**Require Senate Candidates to File at FEC.**

S. 16 (Daschle)  
S. 26 (McCain)  
S. 504 (Cleland)  
S. 982 (Wellstone)

**Require FEC Receipt of Reports by Due Date.**

S. 504 (Cleland)—generally; last-minute independent expenditures

## **Advertising Issues**

Bills in this category would change terms under which candidates communicate their messages, including rates charged and disclaimers required.

### **Require Broadcaster Disclosure Regarding Candidate/Issue Ads**

S. 1751 (Hatch)—make available for public inspection

S. 1816 (Hagel)—make available for public inspection

### **Require Reference to Opponent to be Made by Candidate in Person**

S. 1135 (Wyden)—condition of lowest unit rate

### **Change Applicability Period of Lowest Unit Rate**

S. 16 (Daschle)

### **Change Definition of Lowest Unit Rate**

S. 16 (Daschle)

### **Prohibit Preemption of Candidate Ads at Lowest Unit Rate**

S. 16 (Daschle)

S. 982 (Wellstone)\*—for “clean money” candidates

### **Require Filing of Mailings That Refer to Candidates**

S. 16 (Daschle)

### **Augment Disclaimer Requirements**

S. 16 (Daschle)

S. 26 (McCain)

S. 982 (Wellstone)

## **Foreign Nationals**

Federal law prohibits foreign nationals from directly or indirectly making contributions in any U.S. election. It exempts permanent resident aliens, those with so-called green cards, from this restriction. These bills would further restrict the role of foreign nationals. Many refer specifically to “non-citizens;” others make broader reference to persons not eligible to register to vote in U.S. elections (including foreign nationals, convicted felons, and minors.)

## **Prohibit Foreign National Contributions or Their Solicitation**

- S. 16 (Daschle)—retains permanent resident alien exemption
- S. 26 (McCain)—retains permanent resident alien exemption
- S. 298 (Shelby)—retains permanent resident alien exemption
- S. 1991 (Thompson)—retains permanent resident alien exemption

## **Prohibit Soft Money from Foreign Nationals**

- S. 16 (Daschle)
- S. 26 (McCain)
- S. 298 (Shelby)
- S. 1107 (Warner)
- S. 1991 (Thompson)

## **Prohibit Contributions and Solicitation from Non-Eligible Voters**

- S.982 (Wellstone)—retains permanent resident alien exemption
- S. 1107 (Warner)—removes permanent resident alien exemption
- S. 1502 (Reed)—retains permanent resident alien exemption

## **Require Certification of Compliance with Ban**

- S. 16 (Daschle)
- S. 504 (Cleland)
- S. 982 (Wellstone)

## **Prohibit Foreign National Independent Expenditures**

- S. 1107 (Warner)

## **Prohibit Foreign National Influence in Decision-Making**

- S. 1107 (Warner)

## **Prohibit Donations From Foreign National Subsidiaries**

- S. 1991 (Thompson)—unless reasonable accounting method shows no foreign funding

## **Study Commission**

These bills propose a commission to recommend campaign reform proposals and require Congress to consider them under “fast-track” procedures.



## **Permanent Commission to Recommend Reforms**

S. 504 (Cleland)

## **Miscellaneous**

### **Lobbyists**

**Restrict Lobbyist Contributions and Contributors Who Lobby.**

S. 16 (Daschle)

**Require Lobby Disclosure Forms to Show Contributions.**

S. 1107 (Warner)

### **Presidential Elections**

**Increase base spending limit.**

S. 16 (Daschle)

## **Restrictions/Prohibitions on Fundraising on Government Property**

**Presidential and Vice Presidential Property.**

S. 1671 (Allard)—includes White House meals and accommodations

**Air Force One.**

S. 1671 (Allard)—requires party reimbursement

**Full-Cost Reimbursement for Political Travel of Non-Officeholders.**

S. 1671 (Allard)

**Clarify “controlling legal authority” prohibition.**

S. 1671 (Allard)

**Include Soft Money in Fundraising Ban.**

S. 26 (McCain)

S. 1107 (Warner)

S. 1816 (Hagel)

## **Exempt Internet Communications from FECA**

S. 1747 (Bennett)

## **Ban Post-Election Fundraising to Pay Debts**

S. 1671 (Allard)—after 90 days; require candidate's personal assumption

## **Restrict/Prohibit Minors' Contributions**

S. 16 (Daschle)

S. 26 (McCain)

## **Prohibit Intimidation or Threats in Fundraising**

S. 16 (Daschle)

## **Ban False Representation in Fundraising**

S. 26 (McCain)

## **Limit Vendors Extensions of Credit**

S. 16 (Daschle)

## **Ban Acceptance of Cash Donations**

S. 16 (Daschle)

## **Franked Mass Mailings**

S. 16 (Daschle)—lengthen pre-election ban period

S. 26 (McCain)—lengthen pre-election ban period

S. 982 (Wellstone)—lengthen pre-election ban period

S. 1107 (Warner)—lengthen pre-election ban period

S. 1671 (Allard)

## **Feasibility Study of Telephone Voting by Disabled**

S. 16 (Daschle)

## **Restrict or Require Use of Candidates' Names**

S. 26 (McCain)

S. 1502 (Reed)

## **Require Certification of No Laundered Contributions**

S. 504 (Cleland)

## **Treat Coordinated Payments as Contributions**

S. 1751 (Hatch)

## **Combat Voter Fraud**

S. 1107 (Warner)—amend National Voter Registration Act, including repeal of mail registration requirements, allowing states to require proof of citizenship and photo identification, and allowing removal of non-voters.



## Chapter III. Summaries of Senate Bills in Numerical Order

### S. 16 (Daschle)—Congressional Election Campaign Spending Limit and Reform Act of 1999

***Individuals.*** Raises limit on individual contributions to state parties (including grassroots funds) to \$20,000 per year; raises aggregate individual limit to \$60,000 per election cycle, with annual limits of \$25,000 to candidates and \$20,000 to state parties;

***PACs.*** Raises limit on PAC contributions to state parties (including grassroots funds) to \$15,000 per year; bans leadership PACs;

***Parties.*** Aggregates all state party contributions to a federal candidate under a single limit; requires coordinated expenditures to be made by congressional campaign committees;

***Candidates.*** Bans use of post-general election contributions for repayment of candidate and family loans;

***Independent Expenditures.*** Requires 48 hour notice of independent expenditures of \$10,000 or more, up to 20 days before an election; requires advance notice of independent expenditures of \$5,000 or more in last 20 days of an election; defines independent expenditure as containing express advocacy and made without a candidate's involvement; defines "without the participation or cooperation of and without coordination with a candidate" as made without request of or suggestion by candidate, made during that election cycle without involvement of anyone who raised funds or provided advice about campaign plans to a candidate or anyone paid during that cycle by a candidate; prohibits parties from making both independent and coordinated expenditures for a candidate; allows nonprofit corporations that exist solely to promote ideas and whose assets and receipts do not exceed specified levels to make independent expenditures; requires broadcasters to provide candidates opposed by independent ads immediate response time;

***Soft Money: Party.*** Exempts from "contribution" and "expenditure" definitions only those voter and registration drives conducted by volunteers; prohibits national parties from soliciting or accepting soft money, except for transfers to state parties for strictly non-federal activities; prohibits soft money spending by any party committee on: get-out-the-vote drives in a presidential election year (or, for state and local parties, in other years if not exclusively aimed at non-federal elections), any generic activity, any activity that identifies or promotes a federal candidate, voter registration, voter files in an even-numbered year, any activity that significantly affects a federal election, and any fundraising costs for such activities; requires state parties to fund such activities through state party grassroots funds, with special limits on contributions from individuals and PACs; limits presidential candidate transfers to national party for distribution to grassroots funds to 2¢ times voting age population; bans federal candidates and officeholders from raising soft money in connection with a federal election or raising money from sources beyond federal limits and prohibitions

in non-federal elections, but exempts solicitations that the individual does not benefit from; requires disclosure by national parties of all activity (federal and non-federal), by state and local parties of specified activities that might affect federal elections, and by other political committees of activities that may influence federal elections, with itemized reporting of party transfers; requires disclosure of building funds;

***Soft Money: Non-Party.*** Prohibits national and state party transfers to 501(c)(3) tax-exempt groups; bans federal candidates and officeholders from raising money for a 501(c) tax-exempt organization involved significantly in voter registration or get-out-the-vote drives; requires 48 hour notice by non-party entities of spending in excess of \$2,000 on voter registration and get-out-the-vote drives, generic activities, and communications that refer to federal candidates, and requires notice by 14 days before election of such spending anticipated in last 14 days;

***Issue Advocacy.*** Defines “express advocacy” as communications urging the election or defeat of a clearly identified federal candidate by: (1) using advocacy words, linking a candidate to a favored issue position, or using words or slogans that in context can have no other reasonable meaning than election advocacy; (2) identifying a candidate in broadcast media within 60 days of general election (90 days for presidential races); or (3) when, taken as a whole, and with limited reference to external events, expresses unmistakable support for or opposition to a candidate;

***Spending/Benefits.*** Requires a broadcast rate of 50% of lowest unit rate in last 30 days of a primary and 60 days of a general election for Senate candidates who raise 5% of general election limit in individual contributions in final two years of six-year cycle, use closed captioning in TV ads, and who abide by spending limits in the general election (\$400,000, plus 30¢ per eligible voter up to 4 million people, plus 25¢ per voter above 4 million, with a \$1.2 million minimum and a \$5.5 million maximum), in the primary (67% of general election limit, up to \$2.75 million), in a runoff (20% of general election limit), and on personal and family funds—\$25,000 (for states with only one VHF transmitter, general election limit formula is changed to 92¢ up to 4 million people and 90¢ above 4 million); additional spending would be allowed and public funds provided to a candidate opposed by independent expenditures or by a non-complying opponent who exceeds the limit (in latter case, limit on individual donations to participant also would be doubled); requires disclaimer on advertisements by non-complying candidates; delays implementation until OMB certifies budget neutrality;

***FEC.*** Allows random audits of campaigns within 12 months after election; gives FEC authority to seek injunctions; increases civil penalties for violations, adds automatic penalties for late filing, and provides for equitable remedies in conciliation agreements; gives FEC authority for independent litigation and for right to petition Supreme Court for appeals; allows FEC to refer suspected violations to Attorney General at any time; changes standard to begin enforcement proceedings to “reason to investigate”; gives FEC authority to initiate a summons or subpoena; treats those who aid and abet violations as principals; gives FEC authority to require electronic filing of disclosure reports by committees exceeding a threshold level of activity; lowers threshold for itemizing contributions and expenditures to \$50; requires Senate candidates to file reports with FEC;

**Advertising.** Changes applicability period of lowest unit rate to 30 days before a primary election; changes lowest unit rate definition and prohibits preemption of advertisements bought under such terms; requires more prominent disclaimers on campaign advertisements; requires candidate mailing that refers to opponent or non-candidate mailings that refer to a candidate to be filed with FEC and secretary of state when first mailed;

**Foreign.** Bans direct or indirect foreign national contributions (including soft money) or their solicitation, to a party committee or in connection with any U.S. election (but retains permanent resident alien exemption); requires candidate certification on disclosure reports that no such donations were knowingly solicited or accepted;

**Miscellaneous.** Limits extensions of credit by campaign vendors; increases base spending limit for publicly-funded presidential candidates by the lesser of amount transferred to national parties for distribution to grassroots funds or 2¢ times voting age population; prohibits lobbyists from giving money to or raising it for candidates for a year after lobbying them, and prohibits contributors from lobbying recipients of donations for a year after contributing to them; counts contributions of minors toward parents' limits; prohibits intimidation or threats in fundraising; bans candidate acceptance of cash donations over \$100; requires feasibility study of telephone voting by disabled; bans unsolicited congressional franked mass mailings in election years between January 1 and election day.

Introduced Jan. 19, 1999; referred to Committee on Rules and Administration.

## **S. 26 (McCain)—Bipartisan Campaign Reform Act of 1999**

**Individuals.** Raises aggregate individual limit to \$30,000 per year; raises limit on individual contributions to state parties to \$10,000 per year;

**Candidates.** Specifies permissible uses and prohibits personal use of campaign funds; prohibits party coordinated expenditures for Senate general election candidate who does not abide by voluntary limit: \$50,000 in contributions and loans from personal/family funds (in primary or general election);

**Independent Expenditures.** Defines independent expenditure as expressly advocating the election or defeat of a clearly identified candidate and made without coordination with a candidate (or agent or someone coordinating with candidate); requires 48 hour notice of independent expenditures of \$10,000 or more, up to 20 days before an election; prohibits parties from making both independent and coordinated expenditures for a general election candidate; amends "contribution" to include a *coordinated activity*; defines "coordinated activity" as anything of value provided in coordination with a candidate (or party or agent) to influence a federal election, regardless of whether it contains express advocacy, including payments: (1) in cooperation or consultation with, or at request or suggestion of, a candidate, party, or agent; (2) using candidate-prepared materials; (3) based on information provided by candidate's campaign for purpose of expenditure; (4) by a spender who during that election cycle has raised funds or acted in an official position for a candidate

(exempting lobbying contacts); (5) by a spender who has used the same consultants as an affected candidate during election cycle, directly or through party; (6) for communications about campaign plans, directly or through party; (7) for in-kind professional services, directly or through party, other than for voter guide mailings; and (8) by someone who participated in a coordinated activity for communication that refers to candidate or opponent, to influence election, regardless of whether communication contains express advocacy; deems a coordinated activity as a contribution to or expenditure by candidate;

***Soft Money: Party.*** Prohibits national party committees from soliciting, receiving, directing, transferring, or spending soft money; prohibits state and local party committees from spending soft money for *federal election activity*, including: (1) voter registration drives in last 120 days of a federal election; (2) voter identification, get-out-the-vote drives, and generic activity in connection with an election in which a federal candidate is on the ballot; and (3) communications that refer to a clearly identified federal candidate with the intent of influencing that election (regardless of whether they contain express advocacy); allows state parties to spend money on specific activities exclusively devoted to non-federal elections; prohibits party committees from using soft money to raise funds; prohibits federal candidates and officeholders from raising soft money in connection with federal elections (including any *federal election activity*); requires disclosure by national parties of all activity (federal and non-federal) and by state and local parties of specified activities that might affect federal elections; ends building fund exemption;

***Soft Money: Non-Party.*** Prohibits party committees from raising money for, or giving to, tax-exempt groups; requires unions, corporations, and other groups or entities—other than party committees or religious organizations—to disclose all exempt activities (but only internal communications referring to federal candidates), once \$50,000 has been spent; requires unions to give reasonable notice to dues-paying non-members of rights to disallow political use of their funds;

***Issue Advocacy.*** Defines *electioneering communication* as a broadcast advertisement referring to a clearly identified federal candidate within 60 days of a general election or 30 days of a primary, to an audience that includes voters in that election (not including news events or “expenditures”); requires disclosure of electioneering communications above \$10,000, including identification of donors of \$500 or more; bans funding of electioneering messages with union or for-profit corporation funds; treats an electioneering communication that is coordinated with a candidate (or agent or party) as a contribution to and expenditure by candidate;

***FEC.*** Allows random audits of campaigns within 12 months after an election; increases penalties for knowing and willful violations, adds automatic penalties for late filing, and provides for equitable remedies in conciliation agreements; expedites enforcement procedures in last 60 days of election when there is clear and convincing evidence that a violation has occurred, is occurring, or is about to occur; allows FEC to refer suspected violations to Attorney General at any time; changes standard to begin enforcement proceedings to “reason to investigate”; requires electronic disclosure by any committee exceeding threshold financial activity level, with Internet posting of information within 24 hours; requires Senate candidate filing with FEC; prohibits candidates from depositing contributions over \$200 unless required itemized



information is complete; lowers threshold for itemizing contributions to \$50 (to include only name and address);

***Advertising.*** Requires more prominent and visible ad disclaimers;

***Foreign.*** Bans direct or indirect contributions (including soft money), or their solicitation, from foreign nationals to a party committee or in connection with any U.S. election (but retains permanent resident alien exemption);

***Miscellaneous.*** Restricts non-candidate committee use of candidate names; prohibits false representation to raise funds; prohibits franked mass mailings from January 1 through election day, in Member's election year; bans solicitation of contributions, including soft money, by federal officials from any government building used to discharge official duties; bans contributions or donations by minors (up to 17 years old) to candidates or parties; if any provision of the Act or this statute is held unconstitutional, the remainder of the Act and this statute would be unaffected.

Introduced Jan. 19, 1999; referred to Committee on Rules and Administration.

## **S. 79 (Snowe)—Advancing Truth and Accountability in Campaign Communications Act**

***Issue Advocacy.*** Defines *electioneering communication* as a broadcast advertisement referring to a clearly identified federal candidate within 60 days of a general election or 30 days of a primary, to an audience that includes voters in that election (not including news events or “expenditures”); requires disclosure of electioneering communications above \$10,000, including identification of donors of \$500 or more; bans funding of electioneering messages with union or for-profit corporation funds; treats an electioneering communication that is coordinated with a candidate (or agent or party) as a contribution to and expenditure by candidate.

Introduced Jan. 19, 1999; referred to Committee on Rules and Administration.

## **S. 298 (Shelby)**

***Foreign.*** Bans direct or indirect contributions (including soft money to national parties), or their solicitation, from foreign nationals in connection with any U.S. election or nominating process (but retains permanent resident alien exemption).

Introduced Jan. 22, 1999; referred to Committee on Rules and Administration.

## **S. 504 (Cleland)—Federal Election Enforcement and Disclosure Reform Act**

***FEC.*** Increases budget authorization to fixed amount, indexed for inflation; allows filer user fees to finance FEC and Advisory Committee; adds a commissioner, specifies new appointment and prerequisite experience rules, and limits commissioners to one seven-year term; gives FEC authority for independent litigation and for right to petition Supreme Court for appeals; allows individuals to seek civil action if FEC does not act on complaint within 120 days; establishes schedule of fines for minor

reporting violations; allows random audits within 12 months after election; authorizes FEC to seek injunction to prevent violations; increases penalties for knowing and willful violations; expedites enforcement procedures in last 60 days of election when there is clear and convincing evidence that a violation has occurred, is occurring, or is about to occur; require electronic disclosure, above an FEC-set threshold level; requires Senate candidates to file with FEC; prohibits candidates from depositing contributions over \$200 unless required itemized information is complete; requires FEC receipt of filings by due date; requires FEC receipt within 24 hours of large independent expenditure notices in last 20 days of election; requires candidate filing on election cycle basis and changes election cycle definition; requires large PACs to file on monthly basis and disclose donors of \$1000 or more in last 20 days within 48 hours; requires disclosure of payments to secondary payees;

***Foreign.*** Requires certification in disclosure reports that an itemized contribution was not made by foreign nationals;

***Commission.*** Creates an ongoing Advisory Committee on Federal Campaign Reform to monitor law and issue reports/proposals, considered under “fast-track” procedures;

***Miscellaneous.*** Requires certification in disclosure reports that an itemized contribution was not made in the name of another person.

Introduced Mar. 2, 1999; referred to Committee on Rules and Administration.

## **S. 982 (Wellstone)—Clean Money, Clean Elections Act**

***Individuals.*** Creates sub-limits within annual aggregate limit: \$25,000 on contributions to candidates and \$20,000 to state parties;

***Parties.*** In Senate races with at least one “clean money” candidate: limits party spending on behalf of a candidate to 10% of general election candidate’s subsidy;

***Independent Expenditures.*** Concerning clean money candidates: requires 48 hour notice of independent expenditures above \$1,000 up to 20 days before election and 24 hour notice of amounts above \$500 in last 20 days; defines independent expenditure as made by someone who is not candidate, for a communication that is express advocacy and that is not a coordinated activity or provided in coordination with a candidate; prohibits parties from making independent expenditures for a candidate for whom it has made coordinated expenditures of more than \$5,000 in that election cycle; amends “contribution” to include a *coordinated activity*; defines “coordinated activity” as anything of value provided in coordination with a candidate (or party or agent) to influence a federal election, regardless of whether it contains express advocacy, including payments: (1) in cooperation or consultation with, or at request or suggestion of, a candidate, party, or agent; (2) using candidate-prepared materials; (3) based on information provided by candidate’s campaign for purpose of expenditure; (4) by a spender who during that election cycle has raised funds or acted in an official position for a candidate (exempting lobbying contacts); (5) by a spender who has used the same consultants as an affected candidate during election cycle,

directly or through party; (6) for communications about campaign plans, directly or through party; (7) for in-kind professional services, directly or through party, other than for voter guide mailings; and (8) by someone who participated in a coordinated activity for communication that refers to candidate or opponent, to influence election, regardless of whether communication contains express advocacy; deems a coordinated activity as a contribution to or expenditure by candidate;

***Soft Money: Party.*** Prohibits national party committees from soliciting, receiving, directing, transferring, or spending soft money; prohibits state and local party committees from spending soft money for *federal election activity*, including: (1) voter registration drives in last 120 days of a federal election; (2) voter identification, get-out-the-vote drives, and generic activity in connection with an election in which a federal candidate is on the ballot; and (3) communications that refer to a clearly identified federal candidate with the intent of influencing that election (regardless of whether they contain express advocacy); requires such activities to be funded through state party grassroots funds; individuals could contribute \$20,000 a year to a grassroots fund or to all state party committees, including such a Fund; allows state parties to spend money on specific activities exclusively devoted to non-federal elections; prohibits party committees from using soft money to raise funds; prohibits federal candidates, officeholders, and their PACs from raising soft money in connection with a federal election, or money from sources beyond federal limits and prohibitions in non-federal elections; requires disclosure by national parties of all activity (federal and non-federal), by state and local parties of specified activities that might affect federal elections (FEC may allow state parties to file copies of reports filed under state law instead), and by other political committees of activities that may influence federal elections; ends building fund exemption;

***Soft Money: Non-Party.*** Prohibit parties from raising money for or giving to tax-exempt groups; requires unions, corporations, and other groups or entities—other than party committees or religious organizations—to disclose all exempt activities (but only internal communications referring to federal candidates), once \$50,000 has been spent;

***Issue Advocacy.*** Defines “express advocacy” communication as one presented through a public communication media and that advocates election or defeat of clearly identified candidate by: (1) using explicit advocacy language (“magic words”); (2) using slogans or words that in context can have no reasonable meaning other than election advocacy; or (3) referring to a clearly identified candidate in a broadcast ad within 60 days of a general election, costing at least \$5,000 [*fallback definition if this provision is held unconstitutional*: portion of definition not held invalid, plus—a communication that refers to a clearly identified candidate and: (1) when taken as a whole, with limited reference to external events, expresses unmistakable election advocacy; or (2) is made for clear purpose of election advocacy, as shown by a statement or action by spender, targeting or placement of communication, and use of data relating to candidate’s campaign or election]; requires FEC disclosure of issue ads involving Senate candidates, including amount spent, contributors of \$5,000 or more, sponsor, and purpose of ad; defines *issue advertisement* as a public communication which is not a contribution or independent expenditure, refers to a Senate candidate, is made in an election year, and recommends an issue position;

***Spending/Benefits.*** Provides full public subsidies, 30 minutes of free broadcast time in primary and 60 minutes in general election, and additional broadcast time at 50% of lowest unit rate for Senate candidates who: participate in Clean Money system, spend no private funds beyond subsidy once qualified, and participate in debates; prior to qualification, allows candidates to raise *seed money* (up to \$50,000, plus \$5,000 per congressional district, in contributions of \$100 or less) for specified uses other than broadcast ads; major party candidates qualify by raising \$5 donations from the greater of .25% of, or 1,000, state voters, while minor party candidates must collect 150% of that number; subsidy equals spending limit for major and minor party candidates in general election (\$320,000, plus 24¢ per eligible voter up to 4 million people, plus 20¢ per voter above 4 million, with a minimum of \$760,000 and a maximum of \$4.4 million; formula changed to 64¢ and 56¢, respectively, in states with only one VHF transmitter); primary subsidy equals 67% of general election limit for major party candidates and 25% of that amount for minor party candidates; runoff subsidy equals 25% of respective election amount; unopposed candidates receive 25% of otherwise specified levels; additional subsidies are provided to candidates opposed by independent expenditures and by non-complying opponents once such spending exceeds 125% of spending limit (maximum additional funds equals 200% of limit); requires disclaimer on ads by non-participating candidates; finances benefits from Senate Election Fund using appropriated funds, qualifying contributions, and unused seed money;

***FEC.*** Adds one commissioner, recommended by other members; allows random audits of campaigns; gives FEC authority to seek injunctions; changes standard to begin enforcement proceedings to “reason to investigate”; allows FEC to petition Supreme Court; expedites enforcement procedures in last 60 days of election when there is clear and convincing evidence that a violation has occurred, is occurring, or is about to occur; allows subpoenas without chair’s signature; increases penalties for knowing and willful violations, adds automatic penalties for late filing, and provides for equitable remedies in conciliation agreements; requires electronic disclosure by committees exceeding threshold financial activity level, with Internet posting of information within 24 hours; requires Senate candidates to file with FEC;

***Advertising.*** Prohibits preemption of Senate campaign broadcast ads, unless beyond broadcasters’ control; requires more prominent and visible ad disclaimers;

***Foreign.*** Bans contributions or their solicitation from anyone not eligible to register to vote in a federal election (retains permanent resident alien exemption); requires itemized disclosures to include compliance certification with this ban;

***Miscellaneous.*** Prohibits franked mass mailings between January 1 and general election in election years, unless Member is not a candidate or mailing promotes public meeting with candidate name only.

Introduced May 6, 1999; referred to Committee on Rules and Administration.

## **S. 1107 (Warner)—Constitutional and Effective Reform of Campaigns Act of 1999**

**Individuals.** Raises limit on contributions to \$2,000 per candidate per election; creates a 100% tax credit, up to \$100 (\$200 on joint returns), on contributions to in-state House and Senate candidates (applicable only to taxpayers with gross income of up to \$60,000, or \$120,000 for joint filers); raises contribution limit to \$8,000 for first \$100,000 raised by House or \$300,000 by Senate candidates; indexes contribution limits, as of 1999;

**PACs.** Lifts contribution limit to \$20,000 on first \$100,000 raised by House or \$300,000 by Senate candidates; indexes contribution limit (1999 base);

**Parties.** Lifts contribution limit to \$20,000 on first \$100,000 raised by House or \$300,000 by Senate candidates; indexes contribution limit (1999 base);

**Candidates.** Allows candidate to raise individual, PAC, and party contributions of four times the limit, aggregating beyond the seed money limit, to the extent of opponent's personal expenditures above \$25,000 (minus candidate's own personal spending and carryover amounts); codifies regulations against personal use of campaign funds;

**Independent Expenditures.** Requires 24-hour notice of independent expenditures of \$1,000 or more in last 20 days of election and 48-hour notice anytime expenditures exceed \$10,000;

**Soft Money: Party.** Limits soft money donations to national party committees (counting national, senatorial, and congressional committees separately) to \$100,000 per year;

**Soft Money: Non-Party.** Requires prior authorization by workers in agency shops, before unions may use their union dues or agency fees for purposes other than collective bargaining; requires employers to post prominent notice of this rule; requires greater union disclosure of political spending to workers and greater accessibility of labor disclosure reports; requires annual corporate disclosure of soft money donations to stockholders;

**FEC.** Limits commissioners to single eight-year term; increases penalties for knowing and willful violations; requires penalty schedule for minor reporting violations; allows oral arguments before FEC; requires FEC to compile indexes of advisory opinions, regulations, and enforcement actions; requires presidential appointment and Senate confirmation of general counsel and executive director; establishes FEC escrow account for returned contributions, pending investigation of violations (for donations of at least \$500 returned after 60 days of receipt and for donations in violation of law returned after 30 days); requires weekly disclosure by House and Senate candidates in last 30 days of general election; requires candidates to disclose contributions of \$1,000 or more within 48 hours in last 90 days of election; removes "best efforts" disclosure requirements for contributions of over \$200 a year; requires electronic (or FAX) filing for committees with financial activity above FEC-

determined level, with posting of disclosed information on Internet; requires FEC to devise software at no cost to filers; changes candidate reporting to election cycle basis;

**Foreign.** Bans contributions or donations (including soft money) by, and their solicitation from, those not eligible to register to vote in U.S. elections; bans foreign national influence in decisions regarding election funding, including through a separate segregated fund; bans foreign nationals from making independent expenditures;

**Miscellaneous.** Bans franked mass mailings by Senators in their election years; extends ban on solicitation on federal property to soft money; requires lobbyist disclosure forms to list all contributions and soft money from self, employer, and employer's PAC; amends 1993 National Voter Registration Act by repealing mail registration requirements, requiring proof of citizenship and social security number of registrants, allowing removal of non-voters from rolls, allowing states to require photo identification at polls, and repealing requirement that voters may change residence at polls and still vote.

Introduced May 24, 1999; referred to Committee on Rules and Administration.

### **S. 1135 (Wyden)—Political Candidate Personal Responsibility Act of 1999**

**Advertising.** As condition for lowest unit broadcast rate, requires candidate ad that refers to opponent to include candidate's image for 75% of TV broadcast time or voice for 75% of radio time, and requires such reference to be made by candidate personally.

Introduced May 26, 1999; referred to Committee on Commerce, Science, and Transportation.

### **S. 1502 (Reed)—Campaign Spending Control Act of 1997**

**PACs.** Bans leadership PACs;

**Parties.** Limits national and state party expenditures on behalf of a Senate candidate to the existing coordinated expenditure limits, regardless of whether coordinated with or independent of candidate [*if held unconstitutional*: prohibits parties from making independent expenditures for a candidate for whom it has made coordinated expenditures of more than \$5,000 in that election cycle, and lowers limit to \$5,000 per year on individual and PAC contributions to national parties that make independent expenditures for general election candidates];

**Independent Expenditures.** Defines independent expenditure as containing express advocacy and made without coordination with a candidate; limits independent expenditures in Senate elections to same level as party coordinated expenditure limit, per spender per election [*if held unconstitutional*: allows affected candidates to exceed spending limits to extent opposing independent expenditures exceed the enacted limits]; limits party independent and coordinated expenditures to single limit, equal to existing coordinated expenditure limit [*if held unconstitutional*: prohibits

parties from making independent expenditures for a candidate for whom it has made coordinated expenditures of more than \$5,000 in that election cycle, and lowers limit to \$5,000 per year on individual and PAC contributions to national parties that make independent expenditures for general election candidates];

***Soft Money: Party.*** Prohibits national party committees from soliciting, receiving, transferring, or spending soft money, except for activity exclusively devoted to non-federal elections; prohibits state and local party committees from spending soft money in a federal election year for activities that may affect a federal election, including voter and registration drives, generic activity, and any communication that identifies a federal candidate; requires such activities to be funded through state party grassroots funds; individuals could contribute \$20,000 a year to a grassroots fund or to all state party committees including such a fund; prohibits party committees from using soft money to raise funds; prohibits federal candidates and officeholders from raising soft money in connection with a federal election, money from sources beyond federal limits and prohibitions in non-federal elections, or soft money in connection with a federal candidate or for a communication that identifies a federal candidate; requires disclosure by national parties of all activity (federal and non-federal), by state and local parties of specified activities that might affect federal elections (FEC may allow state parties to file copies of reports filed under state law instead), and by other political committees of activities that may influence federal elections; removes building fund exemption;

***Soft Money: Non-Party.*** Prohibits party committees from raising money for or giving to tax-exempt groups; requires unions, corporations, and national banks to promptly disclose all exempt activities (but only internal communications that refer to federal candidates) once threshold level is reached;

***Issue Advocacy.*** Defines express advocacy to include: (1) any communication that advocates the election or defeat of a clearly identified candidate by using explicit advocacy language (*e.g.*, “vote for” or “defeat”) or by advocating an issue position along with either a reference to a federal candidate or an expression susceptible to no other reasonable interpretation but an unmistakable and unambiguous exhortation to vote for or against a specific candidate, or (2) any public media communication within 90 days of a general election that refers to the character, qualifications, or accomplishments of a federal candidate or candidates of a specific political party, and is not solely intended to influence pending legislation;

***Spending/Benefits.*** Mandates spending limits on Senate candidates in general elections (\$500,000, plus 37.5¢ per eligible voter up to 4 million people, plus 31.25¢ per eligible voter above 4 million, with minimum of \$1,182,500), primaries (67% of general election limit), and runoffs (20% of general election limit);

***FEC.*** Allows post-election random audits of campaigns; gives FEC authority to seek injunctions; increases knowing and willful violation penalties; expedites enforcement procedures in final 60 days of an election; requires FEC to permit and gives FEC authority to require electronic and FAX filing of disclosure reports;

***Foreign.*** Bans contributions and their solicitation from persons not eligible to register to vote in a federal election (retains permanent resident alien exemption);

**Miscellaneous.** Prevents use of candidate name by unauthorized committees, and requires candidate name in the name of authorized committees.

Introduced Aug. 5, 1999; referred to Committee on Rules and Administration.

## **S. 1593 (McCain)—Bipartisan Campaign Reform Act of 1999**

**Individuals.** Raises aggregate individual limit to \$30,000 per year; raises limit on individual contributions to state parties to \$10,000 per year;

**Soft Money: Party.** Prohibits national party committees from soliciting, receiving, directing, transferring, or spending soft money; prohibits state and local party committees from spending soft money for *federal election activity*, including: (1) voter registration drives in last 120 days of a federal election; (2) voter identification, get-out-the-vote drives, and generic activity in connection with an election in which a federal candidate is on the ballot; and (3) communications that refer to a clearly identified federal candidate with the intent of influencing that election (regardless of whether they contain express advocacy); allows state parties to spend money on specific activities exclusively devoted to non-federal elections; prohibits party committees from using soft money to raise funds; prohibits federal candidates, officeholders, their agents, and any PACs they establish or control from raising soft money in connection with federal elections (including any *federal election activity*); requires disclosure by national parties of all activity (federal and non-federal) and by state and local parties of specified activities that might affect federal elections; ends building fund exemption;

**Soft Money: Non-Party.** Prohibits party committees from raising money for, or giving to, tax-exempt groups; requires unions to give reasonable notice to dues-paying non-members of rights to disallow political use of their funds.

Introduced Sept. 16, 1999; referred to Committee on Rules and Administration. Debate began Oct. 13; two amendments adopted Oct. 14:

- McConnell amendment 2293—to require Senators to report credible corruption information to Ethics Committee and provide for mandatory minimum bribery penalties for public officials (voice vote);
- McCain amendment 2294—to provide for disclosure of certain money expenditures of parties and to promote expedited availability of reports (77-20 vote).

Two additional amendments offered Oct. 15, along with cloture motions: (1) Daschle amendment 2298—to substitute text nearly identical to the House-passed Shays-Meehan bill (H.R. 417)—cloture failed Oct. 19 (52-48); and (2) Reid amendment 2229 (to amendment 2298)—perfecting amendment to substitute text of S. 1593 as offered, plus McCain disclosure amendment adopted Oct. 14—cloture failed Oct. 19 (53-47). Debate on S. 1593 ended Oct. 20, following unsuccessful cloture votes.



## **S. 1671 (Allard)—Campaign Finance Integrity Act of 1999**

**Individuals.** Raises individual contribution limit to \$2,500, with future indexing for inflation; *\*Under amendment no. 1887, offered with bill: creates tax deduction for individual contributions to federal candidates, up to \$100 (\$200 joint) a year, regardless of whether individual itemizes other deductions;*

**PACs.** Lowers PAC contribution limit to \$2,500, with future indexing for inflation;

**Candidates.** Removes party contribution and expenditure limits in House and Senate general elections to extent opposing candidates exceed \$5,000 in contributions or loans from personal funds;

**In-state/-district.** Requires at least half of Senate and House campaign funds to come from individual residents of state or, for House, district;

**Soft Money: Party.** Requires national parties to disclose disbursements of over \$1,000 in a year on any political activity, including propaganda, attempts to influence legislation, and participation in federal elections;

**Soft Money: Non-Party.** Requires corporations and national banks to get written, voluntary authorization before any dues, fees, or payments made as a condition of employment or membership can be used for political activities; requires unions to get written, voluntary authorization before any dues, fees, or payments by members or non-members can be used for political activities; such authorizations may be revoked at any time; requires annual notice of political activity spending to corporate stockholders and to union-dues-paying employees; requires unions and corporations to report within 24 hours all exempt activity spending of at least \$1,000;

**FEC.** Requires monthly reports by candidates beginning in July of election year; requires 24-hour reports by candidates in last 15 days of election; requires itemized record-keeping and reporting of all contributions of any amount; prohibits deposit of any contribution not properly identified; allows electronic or FAX filing of reports; requires FEC to post reported information on Internet within 24 hours of receipt;

**Miscellaneous.** Prohibits fundraising to repay debts and loans after 90 days following an election, and requires such unpaid debts to be assumed personally by candidate; bans use of White House meals or accommodations for political fundraising; expresses sense of Congress that “controlling legal authority” prohibits use of federal property to raise campaign funds; prohibits acceptance or solicitation of anything of value to obtain access to Air Force One or Two, Marine One or Two, White House, or Vice President’s residence; requires national party to reimburse Treasury at fair market charter rate for use of Air Force One to raise money for party; requires federal candidates (not holding federal office) who use federal government vehicles for campaign purposes to reimburse Treasury at full cost; prohibits franked mass mailings by Members.

Introduced Sept. 30, 1999; referred to Committee on Rules and Administration.

**S. 1747 (Bennett)—Internet Freedom Protection Act**

**Miscellaneous.** Exempts from FECA coverage spending on communications or dissemination of materials through the Internet, unless communication: is a paid advertisement, involves solicitation of funds for a candidate or political committee, is disseminated for purpose of communicating individual's opinion about political issue or candidate, or is by an individual receiving compensation for such activity.

Introduced Oct. 19, 1999; referred to Committee on Rules and Administration.

**S. 1751 (Hatch)—Citizens' Right to Know Act of 1999**

**Individuals.** Increases limit on contributions to candidates to \$5,000 per election; increases limit on contributions to national party committees to \$50,000 per year; increases limit on contributions to state party committees to \$15,000 per year; increases annual aggregate contribution limit, with two separate limits of \$50,000—one for national and state party contributions, one for candidate/PAC contributions; creates tax deduction of up to \$100 (\$200 on joint returns) on value of contributions to federal candidates, national party committees, and separate segregated funds whose sponsors file voluntary disclosure reports on election activity;

**PACs.** Increases limit on contributions to national party committees to \$50,000 per year and to state party committees to \$15,000 per year;

**Parties.** Exempts legal and accounting costs connected with ensuring compliance with federal election law from treatment as contributions or expenditures;

**Soft Money: Non-Party.** Creates voluntary system for unions and corporations to annually disclose money spent on voter registration, voter identification, get-out-the-vote drives, direct mail, phone banks, broadcast and print ads, and polling; compliance with voluntary disclosure triggers eligibility of contributors to their PACs for new tax deduction;

**FEC.** Requires political committees to post information on the Internet, within 14 days, of contributions received and expenditures made of \$200 or more (applies to candidates only in final 18 months of election cycle); restricts identification requirement regarding contributors of \$200 or more to party committees only;

**Advertising.** Requires broadcasters to maintain and make available for public inspection records of broadcast time requests by federal candidates or by other entities if message refers to clearly identified federal candidates or parties and is made for the purpose of influencing a federal election; records must include whether request was accepted, the rate charged, date and time message was aired, and name of candidate or party referred to;

**Miscellaneous.** Treats payments to an individual for services in coordination with a political committee as contributions under FECA.

Introduced Oct. 19, 1999; referred to Committee on Finance.

## **S. 1816 (Hagel)—Open and Accountable Campaign Financing Act of 2000**

**Individuals.** Increases limit on contributions to candidates to \$3,000 per election; increases limit on contributions to national party committees to \$60,000 per year; increases limit on contributions to PACs and other committees to \$15,000 per year; increases annual aggregate contribution limit to \$75,000; indexes limits for inflation, beginning in 2000;

**PACs.** Increases limit on contributions to candidates to \$7,500 per election; increases limit on contributions to national party committees to \$30,000 per year; increases limit on contributions to other PACs and committees to \$7,500 per year; indexes limits for inflation, beginning in 2000;

**Parties.** Increases limit on contributions to candidates to \$7,500 per election; increases limit on contributions to other PACs and committees to \$7,500 per year; indexes limits for inflation, beginning in 2000;

**Soft Money: Party.** Imposes \$60,000 annual limit on soft money donations by an individual or entity to a national party committee; indexes limit, based on 1999; makes limit contingent upon satisfactory review by Supreme Court; codifies FEC regulations requiring disclosure of national party soft money receipts and disbursements;

**FEC.** Indexes penalty amounts, retroactive to years in which they were set; requires candidates to file monthly reports in election years and quarterly reports in non-election years; requires national party committees to file monthly reports in all years; requires FEC to post disclosed information on Internet within 24 hours of receipt;

**Advertising.** Requires broadcasters to maintain and make available for public inspection records of broadcast time requests by candidates or by other entities whose message relates to a political matter of national importance, including about a legally qualified candidate, a federal election, or a legislative issue of public importance; records must include whether request was accepted, rate charged, date and time message aired, class of time purchased, identification of candidate and office, election, or issue referred to; and identity of purchaser (including officers of any non-candidate entity);

**Miscellaneous.** Adds party soft money to ban on solicitation of political donations from federal government property.

Introduced Oct. 28, 1999; referred to Committee on Rules and Administration.

## **S. 1991 (Thompson)**

**Soft Money: Party.** Extends prohibition on contributions made in the name of another to include donations (*i.e.*, soft money), as well;

***FEC.*** Changes penalties for knowing and willful violations to a fine under Title 18 or one year in prison, or both, for amounts aggregating between \$2,000 and \$25,000 in a year, and a fine under Title 18 or five years in prison, or both, for amounts aggregating \$25,000 or more; changes statute of limitations for election law violations from three to five years; directs U.S. Sentencing Commission to promulgate guidelines and make legislative or administrative recommendations regarding penalties for violating federal election law, per specified considerations;

***Foreign.*** Prohibits contributions and donations, including soft money, or their solicitation or receipt, directly or indirectly, from foreign nationals and domestic subsidiaries of foreign nationals (unless subsidiary can demonstrate, through a reasonable accounting method, that no foreign national funds were used).

Introduced Nov. 19, 1999; referred to Committee on Rules and Administration.

### **S.J.Res. 6 (Hollings)**

***Spending/Benefits.*** Proposed constitutional amendment to allow Congress and states to set reasonable limits on contributions and expenditures in support of or opposition to candidates for nomination and election to federal and state, or local office.

Introduced Jan. 19, 1999; referred to Committee on Judiciary.

## Index by Lead Sponsor

Allard	S. 1671
Bennett	S. 1747
Cleland	S. 504
Daschle	S. 16
Hagel	S. 1816
Hatch	S. 1751
Hollings	S.J.Res. 6
McCain	S. 26
McCain	S. 1593
Reed	S. 1502
Shelby	S. 298
Snowe	S. 79
Thompson	S. 1991
Warner	S. 1107
Wellstone	S. 982
Wyden	S. 1135

